

S. R. No. 495—By Senator Cole: Extending welcome to Lynn Thrower of Lamar High School and Bill Steen of Robert E. Lee High School of Houston.

S. R. No. 496—By Senator Owen: Extending welcome to the Lydia Patterson Institute Choir of El Paso accompanied by their President and Director.

#### Memorial Resolution

S. C. R. No. 64—By Senator Cole: Memorial resolution for James P. (Jake) Hamblen of Houston.

#### Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion prevailed by the following vote:

#### Yeas—19

Blanchard	Krueger
Calhoun	Moffett
Cole	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hall	Richter
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Strong
Kazen	

#### Nays—9

Aikin	Owen
Bates	Patman
Colson	Watson
Harrington	Word
Kennard	

#### Absent

Moore

#### Absent—Excused

Dies	Spears
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Accordingly, the Senate at 3:35 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

#### SIXTY-SIXTH DAY

(Tuesday, May 7, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 76, Providing for sine die adjournment of the Regular Session of the Fifty-eighth Legislature at 12:00 o'clock midnight, Friday, May 24, 1963.

H. C. R. No. 77, Directing the Engrossing and Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 565.

H. C. R. No. 79, Directing the Engrossing and Enrolling Clerk of the House to make certain corrections in House Bill No. 694.

H. C. R. No. 56, Granting permission to J. T. Carr to sue the State of Texas and the State Highway Commission.

H. C. R. No. 78, Inviting visiting Governors and other officials of Mexico to attend and address a Joint Ses-

sion of the Legislature on Thursday, May 9, 1963, at 11:30 a.m. in the House Chamber.

S. C. R. No. 62, In memory of Mrs. Maud Gage Sterling.

S. C. R. No. 64, Resolution in memory of James P. (Jake) Hamblen, Houston businessman; copies of Resolution to be prepared for wife and daughters.

H. B. No. 152, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in the subsections (a), (b), (c) and (f) of Section 5 providing for disqualification for benefits; providing for an effective date for this Act; and declaring an emergency."

S. C. R. No. 17, Suit against State, Socony Mobil Oil Company, Inc.

S. C. R. No. 29, Dedicating to the City of Austin for street purposes certain lands belonging to the State of Texas.

S. C. R. No. 32, Granting United Gas Pipeline Company permission to sue the State.

(With amendments.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Reports of Standing Committees

Senator Colson submitted the following reports:

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 691, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred S. B.

No. 465, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 382, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 258, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 680, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Parkhouse submitted the following report.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 274, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

PARKHOUSE, Chairman.

C. S. H. B. No. 274 was read the first time.

Senator Dies submitted the following report:

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 449, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Committee Substitute  
House Bill 274 Ordered Not Printed

On motion of Senator Owen and by unanimous consent C. S. H. B. No. 274 was ordered not printed.

Senate Bill 505 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Aikin, Crump and Word:

S. B. No. 505, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 18, Chapter 11, Acts of

53rd Legislature, First Called Session, 1954 (Article 2654-3a, Section 1, V. T. C. S.) relating to the investment of the Permanent School Fund by the State Board of Education; repealing all laws to the extent of conflict only; and declaring an emergency."

To the Committee on Education.

Senate Bill 506 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Dies:

S. B. No. 506, A bill to be entitled "An Act authorizing the Commissioners Courts of the counties of the 1st Judicial District to supplement the salary of the District Attorney of the 1st Judicial District; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

S. C. R. No. 65, Instructing Enrolling and Engrossing Clerk of the House to make certain corrections in H. B. No. 148.

S. B. No. 43, A bill to be entitled "An Act amending Section 3 of Chapter 337, Acts of the 53rd Legislature, Regular Session, 1953, compiled as Section 3 of Article 2756c, Vernon's Texas Civil Statutes, so as to authorize the State Board of Education to annex territories of military reservations to independent school districts contained wholly within military reservations which are subject to the same post or base command as that of the territory being annexed; and declaring an emergency."

S. B. No. 196, A bill to be entitled "An Act to amend Section 2 of House Bill No. 17, Chapter 82, Acts of the 50th Legislature, Regular Session, 1947 (codified as Article 5344c of Vernon's Texas Civil Statutes), so as to provide for the amendment of existing oil, gas, and mineral leases covering certain State lands; providing for severability; and declaring an emergency."

H. B. No. 92, A bill to be entitled "An Act implementing the provisions of Article IX, Section 1-a, of The Constitution of the State of Texas, authorizing the commissioners courts of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate and restrict the speed, parking and travel of motor vehicles on beaches available to the public by virtue of public right and the littering of such beaches; etc.; and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 4 of House Bill No. 356, Chapter 408, Acts of the 56th Legislature, 1959, Regular Session (Article 1555b of the Penal Code of the State of Texas); by defining the term 'credit card' and by making it unlawful to obtain or attempt to obtain credit or goods, property or services by the unauthorized use of a credit card; etc.; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act amending Article 8306 of the Revised Civil Statutes of Texas, 1925, relating to workmen's compensation law, by amending Section 2 of that article and by adding a Section 2a; amending Section 2 of that article to provide that persons employed both within and without this state shall be counted in determining the number of persons employed by any firm, person or corporation, whether the firm, person or corporation is resident within or without this state; etc.; and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act relating to re-employment of retired auxiliary school employees; providing that they may be employed on a substitute basis for a period not to exceed eighty (80) days in any one school year; providing a penalty for employment in excess of eighty (80) days; and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act amending Section 467, House Bill No. 77, Second Called Session, 44th Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Article 666 and 667, by adding to Section 15 of Article I a new paragraph to be designated (7b) to provide for a United States bonded

liquor export permit authorizing the holder thereof to engage in the business of importing, transporting, and warehousing United States bonded liquor and the exporting of the same in less than wholesale quantities; etc., and declaring an emergency."

H. B. No. 953, A bill to be entitled "An Act creating 'Dalby Springs Conservation District,' etc., and declaring an emergency."

#### Again Signed

H. B. No. 359, A bill to be entitled "An Act amending Title 15, Acts of the 55th Legislature, as amended, which is compiled as Article 326k 14 of Vernon's Texas Civil Statutes, providing that the District Attorney of the 53rd Judicial District shall represent the State in the Criminal District Court and all other District Courts of Travis County, providing for the appointment of a First Assistant District Attorney and other Assistant District Attorneys and secretaries with the consent and approval of the Commissioners' Court; etc. and declaring an emergency."

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committee indicated:

H. B. No. 722, To the Committee on Game and Fish.

H. B. No. 126, To the Committee on State Affairs.

H. B. No. 749, To the Committee on Oil and Gas.

H. B. No. 457, To the Committee on Jurisprudence.

H. C. R. No. 56, To the Committee on Jurisprudence.

#### Senate Concurrent Resolution 67

Senator Parkhouse offered the following resolution:

S. C. R. No. 67, Extending congratulations to Mr. Angus Wynne, Jr., and designating him as official representative of State of Texas at 1964 World's Fair.

Whereas, New York City will be the scene of a World's Fair beginning in April, 1964, and it is highly desir-

able that the State of Texas be suitably represented; and

Whereas, Governor John Connally of Texas has designated Mr. Angus Wynne, Jr., the official representative of the State of Texas to prepare and present an appropriate exhibit to be included among those of the many states of the nation and countries of the world participating in this exposition; and

Whereas, Mr. Wynne has willingly accepted this challenging undertaking and is incorporating into his own personal exhibit, known as The Century Showcase, a multi-million dollar exhibit to be known as The Texas Pavilion, which will provide excellent representation for the State of Texas; and

Whereas, This impressive exhibit, privately financed by Mr. Wynne, will be designed and presented to convey to the predicted 70 million visitors at the New York World's Fair in 1964 a realistic picture of Texas' dynamic growth and the character of its people; and

Whereas, It is the desire of the 58th Legislature to commend Mr. Wynne and express appreciation to him for accepting this important responsibility for the State; now, therefore, be it

Resolved, By the Senate of the 58th Legislature of Texas, the House of Representatives concurring, That the Legislature joins with Governor John Connally in his designation of this distinguished Texan as the official representative of the State of Texas at the 1964 World's Fair in New York and pledges Mr. Wynne its enthusiastic support and aid in making this exhibit one of the finest at the World's Fair; and be it further

Resolved, That Mr. Wynne be presented an enrolled copy of this resolution with the grateful thanks of the Texas Legislature for the part he is taking in informing the world of the stature and greatness of the State of Texas.

PARKHOUSE  
KENNARD  
HERRING

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 68**

Senator Moffett offered the following resolution:

S. C. R. No. 68, Authorizing the State Building Commission to erect a suitable marker of Texas Secession Convention.

Whereas, The Texas Ordinance of Secession was adopted February 1, 1861, in the State Capitol Building which was then located on the same site as the present Capitol Building; and

Whereas, The State government of the State of Texas, while the latter was a member of the Confederate States of America, operated on the same location for four years; and

Whereas, The history of the events and governmental functions at this location during the period of the existence of the Confederacy has not been suitably recognized; and

Whereas, Funds are now on hand for the purpose of erecting Confederate markers by the State Building Commission with the assistance of the Texas State Historical Survey Committee; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the State Building Commission be and is hereby authorized to erect on the Capitol Grounds in Austin, a suitable marker telling the story of the Texas Secession Convention and the part played by Texas in the Confederate State Government, the marker to be erected under the supervision of, and at a location selected by the State Board of Control, from funds currently available in the Confederate Marker appropriation of the State Building Commission.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

**House Bill 656 Re-referred**

On motion of Senator Dies and by unanimous consent H. B. No. 656 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

**House Bill 691 Ordered Not Printed**

On motion of Senator Herring and by unanimous consent H. B. No. 691 was ordered not printed.

**Senate Bill 449 Ordered Not Printed**

On motion of Senator Spears and

by unanimous consent S. B. No. 449 was ordered not printed.

#### Senate Resolution 499

Senator Herring offered the following resolution:

Whereas, Through the hospitality of Colonel Frank P. Bender, Commander of the 4130th Strategic Wing (SAC), the members of the Senate and the House of Representatives of the State of Texas were invited to visit Bergstrom Air Force Base on the afternoon of April 30, 1963, for a briefing on the purpose and meaning of the Strategic Air Command and what place it occupies in the defense of the United States and the free world; and

Whereas, Through the presentation of Colonel Bender, the present make-up, capability and overall evaluation of the Strategic Air Command, as well as the impact of the Strategic Air Command bases within the state and throughout the world was made known to the members of the Legislature in an intelligent and concise manner; and

Whereas, By reason of the visit to Bergstrom Air Force Base members of the Legislature have been made more aware of the great contribution made in the defense of our nation by the Strategic Air Command and therefore can better share that knowledge with the citizens of the State who have not been privileged to observe a similar installation; now, therefore, be it

Resolved, That the Senate of Texas of the 58th Legislature commend Colonel Frank P. Bender for his intelligent and informative presentation and his hospitality; and be it further

Resolved, That an official enrolled copy of this Resolution be sent to the Commander in Chief of the Strategic Air Command in Omaha, Nebraska, in recognition of the performance of the 4130th Strategic Wing's role in the overall defense of the nation with the appreciation of the members of the Senate.

The resolution was read and was adopted.

#### Motion to Recommit House Bill 620

Senator Moffett moved that H. B. No. 620 be recommitted to the Committee on Privileges and Elections.

The motion to recommit was lost.

#### House Concurrent Resolution 78 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 78, Inviting visiting Governors and other officials of Mexico to attend and address a Joint Session of the Legislature on Thursday, May 9, 1963, at 11:30 a.m. in the House Chamber.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 77 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 77, Directing the Engrossing and Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 565.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 79 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. C. R. No. 79, Directing the Engrossing and Enrolling Clerk of the House to make certain corrections in House Bill No. 694.

The resolution was read.

On motion of Senator Spears and by unanimous consent the resolution was considered immediately and was adopted:

#### Vote Reconsidered on House Concurrent Resolution 79

On motion of Senator Spears and by unanimous consent the vote by which H. C. R. No. 79 was passed was reconsidered.

Question—Shall H. C. R. No. 79 be finally passed?

Hawleywood  
 Herring  
 Kasen  
 Kennard

Strong  
 Watson  
 Word

**Reports of Standing Committee**

Senator Dies by unanimous consent  
 submitted the following report:

Austin, Texas,  
 May 7, 1963.

Hon. Preston Smith, President of the  
 Senate.

Sir: We, your Committee on Coun-  
 ties, Cities and Towns, to which was  
 referred S. B. No. 506, have had the  
 same under consideration, and we  
 are instructed to report it back to the  
 Senate with the recommendation that  
 it do pass, and be printed.

DIES, Chairman.

Austin, Texas,  
 May 7, 1963.

Hon. Preston Smith, President of the  
 Senate.

Sir: We, your Committee on Coun-  
 ties, Cities and Towns to which was  
 referred H. B. No. 656, have had the  
 same under consideration, and we are  
 instructed to report it back to the  
 Senate with the recommendation that  
 it do pass, and be printed.

DIES, Chairman.

**House Bill 656 Ordered Not Printed**

On motion of Senator Dies and by  
 unanimous consent H. B. No. 656 was  
 ordered not printed.

**Senate Bill 506 Ordered Not Printed**

On motion of Senator Dies and by  
 unanimous consent S. B. No. 506 was  
 ordered not printed.

passed to engrossment.  
 Motion to Place Senate Bill 319 on  
 Third Reading

Senator Spears moved that the  
 Constitutional Rule and Senate Rule  
 32 requiring bills to be read on three  
 several days be suspended and that  
 S. B. No. 319 be placed on its third  
 reading and final passage.

The motion was lost by the follow-  
 ing vote (not receiving four-fifths  
 votes of the Members present):

Yea—21

Bates  
 Calloun  
 Cole  
 Colson  
 Creighton  
 Dies  
 Hardeman  
 Harrington  
 Herring  
 Kasen  
 Krueger

Nay—9

Altin  
 Blanchard  
 Crump  
 Hall  
 Hawleywood

Absent

Kennard

**Senate Bill 311 on Second Reading**

Senator Rogers moved to call from  
 the President's Table S. B. No. 311  
 (the bill having been read the second  
 time on Tuesday, April 23, 1963, and  
 Laid on the Table Subject to Call).

The motion prevailed by the follow-  
 ing vote:

## Yeas—23

Aikin	Krueger
Bates	Moffett
Blanchard	Owen
Cole	Ratliff
Colson	Reagan
Crump	Rogers
Dies	Schwartz
Hall	Spears
Hardeman	Strong
Harrington	Watson
Hazlewood	Word
Kazen	

## Nays—8

Calhoun	Moore
Creighton	Parkhouse
Herring	Patman
Kennard	Richter

Question—Shall S. B. No. 311 be passed to engrossment?

Senator Blanchard moved the previous question on the passage of S. B. No. 311 to engrossment and the motion was duly seconded.

Question—Shall the previous question now be put?

The previous question was ordered by the following vote:

## Yeas—19

Aikin	Krueger
Bates	Moffett
Blanchard	Patman
Colson	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Spears
Hardeman	Watson
Harrington	Word
Hazlewood	

## Nays—12

Calhoun	Moore
Cole	Owen
Creighton	Parkhouse
Herring	Richter
Kazen	Schwartz
Kennard	Strong

S. B. No. 311 was then passed to engrossment.

## Senate Bill 330 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 330, A bill to be entitled "An Act amending Chapter 227, Acts of the Regular Session of the Forty-Second Legislature of Texas, as amended by Chapter 290, Acts, Forty Seventh Legislature, Regular Session, 1941, Page 463, and as heretofore otherwise amended, by adding subsection (f) to Section 1a (1) thereof, excepting from the definition of "Motor Carrier" and "Contract Carrier," and exempting from the provisions of such Acts, any person transporting fresh fruits or fresh vegetables to points of first processing upon the filing of certain insurance; etc., and declaring an emergency."

The bill was read second time.

Senator Bates offered the following committee amendment to the bill:

Amend Senate Bill 330, Section 1 thereof, by striking Section (f) and inserting in lieu thereof the following:

"(f) Any person transporting fresh vegetables or fresh fruits in bulk from the point of harvest, production, picking or cutting to a point where such fresh vegetables or fresh fruits in bulk are first processed, and not in excess of seventy-five miles distance from point of origin to point of destination, and regardless of whether or not such person owns said fresh vegetables or fresh fruits; provided, however, that such person shall have first filed with the Railroad Commission of Texas certificates of insurance covering each motor vehicle to be used in such transportation with public liability and property damage insurance in the amounts required by the Commission for motor vehicles subject to its regulations."

The committee amendment was adopted.

On motion of Senator Bates and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

## Senate Bill 330 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 330 be placed on its third reading and final passage.



The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent

Rogers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 480 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 480 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 480 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Calhoun	Krueger
Cole	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Hall	Richter
Harrington	Spears
Hazlewood	Strong
Kazen	Watson
Kennard	

Nays—8

Aikin	Patman
Bates	Reagan
Blanchard	Rogers
Herring	Schwartz

Absent

Hardeman

Word

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 480, A bill to be entitled "An Act amending Chapter 28, Acts of the 42nd Legislature, Third Called Session, 1932, as amended, relating to the taking of fish with nets, seines or traps from bay tidal waters; providing penalties; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 480 by striking everything below the enacting clause and substituting in lieu thereof the following:

Section 1: This Act shall be known as the "Texas Salt Water Fish Control Act" and it is hereby declared to be the public policy of this State that the salt water fish resources of Texas be conserved and protected from depletion and waste and be utilized to the fullest extent consistent with sound conservation practices and good management; and it is further declared that nothing contained herein shall be deemed as repealing any law existing on the effective date of this Act that closes or has closed any bay, or portion of any bay, to the netting of fish.

Section 2: It shall be the duty of the Texas Game & Fish Commission to conduct, or cause to be conducted through any other agency that said Commission may designate, research and investigations, as to the supply, economic value, environment and spawning habits of the different species of salt water fishes and to gather statistical information as to the harvesting, catching, marketing, or processing of all salt water fish produced in Texas or landed in or imported into Texas. The Commission shall prepare forms for reports which shall be furnished to those persons or firms licensed to buy or handle fish and other edible aquatic products in this State, said firms or persons shall be required to make accurate monthly reports on said forms to the Commission, not later than the tenth day of each month, of all fish products purchased or processed by them during

the preceding month. Pursuant to and based upon such studies and reports and related data, the Commission shall prepare a report containing a summary of such information and statistics and any recommendations it may see fit to make, which shall be published and presented to the Governor and each member of the Legislature prior to each Regular Session of the Legislature.

Section 3: The following words, terms and phrases used in this Act are hereby defined as follows:

a. By the term "shoreline" is meant the shoreline of the State of Texas as such shoreline borders on the Gulf of Mexico following the contours and meanders of such shoreline in a continuous and unbroken line across bays, rivers, streams, passes, inlets, outlets, and other bodies of water connected with but not a part of the Gulf of Mexico.

b. By the term "Gulf tidal waters" is meant that portion of the Gulf of Mexico extending from the shoreline seaward within the jurisdiction of Texas.

c. By the term "Bay tidal waters" is meant all bays, rivers, streams, inlets, outlets, passes, and other bodies of water landward from the shoreline where ever the ebb and flow of the tide is felt and into which salt water fishes penetrate.

d. By the term "Tidal Waters" is meant both the Gulf tidal waters and the Bay tidal waters, inclusive.

e. By the term "Major Bay" is meant the deeper, major bay areas of the bay tidal waters, and for the purposes of this Act shall include Sabine Lake, Trinity Bay, Galveston Bay including East Bay and West Bay, Matagorda Bay including Kellers Bay and East Matagorda Bay, Tres Palacios Bay, Esperitu Santo Bay, Lavaca Bay from the present causeway seaward, San Antonio Bay, Aransas Bay, Mesquite Bay, Corpus Christi Bay and Laguna Madre, all exclusive of tributary bays, bayous, rivers, passes, inlets or outlets.

f. By the term "Person" is meant any person, firm, partnership, corporation, cooperative, association or any legal entity whatsoever.

Section 4: The licenses required under this Act shall include:

a. A Commercial Fisherman's License shall be required of any person who uses any net, other than a dip net, cast net, crab net or minnow

seine not longer than twenty feet, to take fish and other edible aquatic products from the tidal waters of Texas for the purpose of pay, sale, barter or exchange. The fee for such license shall be ten dollars per annum.

b. A Commerical Fish Boat License shall be required for any powered boat which is used to take fish and other edible aquatic products from the tidal waters of Texas for the purpose of pay, sale, barter or exchange. The fee for such license shall be six dollars per annum.

c. A Fish Net License shall be required for any net, other than a dip net, cast net, crab net, or minnow seine not longer than twenty feet, which is used for the purpose of taking fish and other edible aquatic products from the tidal waters of Texas. The fee for such license shall be two dollars per hundred feet of net. A metal or plastic tube shall be issued by the Commission evidencing the payment of such net license which shall be placed upon the cork line of such net.

d. The appropriate license as provided for by Acts of 1933, 43rd Legislature, First called session, chapter 29, or amendments thereto shall be required of any person or firm doing business in Texas who buys and sells any edible aquatic products taken from the tidal waters of Texas.

e. The foregoing paragraphs b and c shall not apply to shrimp boats licensed under the provisions of the Texas Shrimp Conservation Act, Acts 56th Legislature, Regular Session, 1959, Chapter 187.

f. All licenses issued hereunder shall expire August 31, following the date of issue.

Section 5: a. It shall be unlawful for any person to use any net, other than dip net, cast net, crab net, minnow seine not longer than twenty feet, or shrimp trawl as otherwise provided by law, for the purpose of taking fishes from the tidal waters of Texas except as hereinafter provided:

b. It shall be unlawful for any person to use any net, other than a dip net, cast net, crab net, minnow seine not longer than twenty feet, or shrimp trawl, with meshes which are smaller than one and one half inches square or three inches stretched after such net has been placed in use; Provided however that the bag of beach seines and fifty feet on each side of

the bag of beach seines may be one inch square or two inches stretched.

c. It shall be unlawful to leave any net unattended in fishing position in the tidal waters of this State.

d. It shall be unlawful to set or place any net, other than a dip net, cast net, crab net or minnow seine not longer than twenty feet in any of the passes leading from the bay tidal waters to the gulf tidal waters.

e. All sharks, gars, sting rays, black drum or other predatory fish caught in the tidal waters of Texas shall be immediately destroyed.

f. All redfish (red drum) of greater length than 35 inches caught by the use of nets shall be immediately returned to the water unharmed.

Section 6: a. It shall be lawful for any citizen of Texas to use one trammel net, strike net or beach seine, not to exceed three hundred feet in length and without the use of mechanical means, to take fish and other edible aquatic products for his own personal use from the tidal waters at any time; provided however it shall be unlawful to buy, sell or handle in any way for profit any aquatic products so caught.

b. It shall be lawful for any bona-fide licensed commercial fisherman to use one trammel net, strike net or beach seine not to exceed 1,800 feet in length in the Gulf tidal waters for taking fish and other edible aquatic products for the purpose of pay, sale, barter or exchange, except on Saturdays, Sundays and legal holidays.

c. It shall be lawful for any duly licensed commercial fisherman to use one trammel net, strike net or beach seine, not to exceed 1,800 feet in length in the major bays for taking fish and other edible aquatic products for the purpose of pay, sale, barter or exchange, except on Saturdays, Sundays and legal holidays.

Section 7: a. Nothing contained in this Act shall prohibit such shrimp trawling and marketing as is permitted under the provisions of the Texas Shrimp Conservation Act, Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, or any amendments thereto and the same is in nowise repealed by this Act.

b. It shall be unlawful to possess any net, other than a dip net, cast net, crab net or minnow seine not longer than twenty feet, in or on any of the tidal waters of this State where the use of such net is prohib-

ited, unless such net is on board a vessel when such vessel is at port or enroute to or from its home port.

c. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction, shall be fined in any sum not less than twenty-five nor more than two hundred dollars. Upon the third or subsequent conviction in any period of three years, his commercial fisherman's license or dealer's license shall be automatically cancelled and he shall not be entitled to receive another commercial fisherman's license or dealer's license for a period of one year from the date of such conviction.

d. All moneys received from the sale of licenses provided for herein and all moneys received from penalties assessed for violations of this Act, after deduction of fees as allowed by law, shall be remitted to the Game and Fish Commission at Austin not later than the tenth day of the month following the date of collection, and shall be deposited by said Commission in the state treasury to the credit of the Special Game and Fish Fund.

e. The proceeds of such license fees and penalties shall be used by the Game and Fish Commission to enforce the provisions of this Act, to conduct research and to gather statistics as required by this Act, to build public ramps for the launching of boats into the tidal waters of this State or to enforce the pollution laws of this State.

f. The license fees provided for herein are expressly declared to be a privilege tax for the privilege of taking or marketing fishes and other edible aquatic products from the tidal waters of Texas.

Section 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this Act, it being the legislative intent to enact each separate provision independently of all other provisions and to this end the provisions of this Act are declared to be severable.

Section 9. All laws or parts of laws relating to the salt water fishery in conflict with the provisions of this Act are hereby expressly repealed.

The amendment was read.

Senator Patman offered the follow-

ing amendment to the pending amendment:

Amend pending amendment to S. B. No. 480 by adding the following to Section 1: "Providing further that nothing herein contained shall effect or repeal any existing statute or law regulating or prohibiting the taking of fish by nets in the tidal waters or bays of Texas."

The amendment was read.

Senator Moore moved to table the amendment by Senator Patman to the pending amendment by Senator Schwartz.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—14

Aikin	Krueger
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Hardeman	Ratliff
Hazlewood	Richter
Kazen	Watson

#### Nays—15

Bates	Moffett
Cole	Patman
Colson	Reagan
Dies	Rogers
Hall	Schwartz
Harrington	Spears
Herring	Strong
Kennard	

#### Absent

Blanchard	Word
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Question recurring on the amendment by Senator Patman to the pending amendment by Senator Schwartz, Yeas and Nays were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—15

Bates	Reagan
Cole	Richter
Colson	Rogers
Dies	Schwartz
Hall	Spears
Harrington	Strong
Kennard	Word
Patman	

#### Nays—16

Mr. President	Kazen
Aikin	Krueger
Calhoun	Moffett
Creighton	Moore
Crump	Owen
Hardeman	Parkhouse
Hazlewood	Ratliff
Herring	Watson

#### Absent

Blanchard

The President announced he voted "Nay" on the adoption of the above amendment.

Question recurring on the amendment by Senator Schwartz, the amendment was adopted.

On motion of Senator Moore and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the passage of S. B. No. 480 to engrossment.

#### Senate Bill 480 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 480 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Kazen	Watson
Kennard	Word

#### Nays—3

Bates	Patman
Herring	

The President then laid the bill before the Senate on its third and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Patman, Bates and Herring asked to be recorded as voting "Nay" on the final passage of S. B. No. 480.

#### Reports of Standing Committees

Senator Calhoun by unanimous consent submitted the following report:

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation to which was referred H. B. No. 615, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CALHOUN, Chairman.

Senator Crump by unanimous consent submitted the following reports:

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 619, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 500, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

#### House Bill 500 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 500 was ordered not printed.

#### House Bill 615 Ordered Not Printed

Senator Richter asked unanimous consent that H. B. No. 615 be ordered not printed.

There was objection.

Senator Richter then moved that H. B. No. 615 be ordered not printed.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Kennard
Bates	Krueger
Calhoun	Moffett
Cole	Owen
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Strong
Kazen	Word

#### Nays—2

Parkhouse	Watson
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#### Absent

Blanchard	Moore
Hazlewood	

#### Committee Substitute Senate Bill 490 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 490, A bill to be entitled "An Act authorizing certain counties to issue negotiable time warrants to pay the cost of construction, equipping and furnishing a county office building and purchasing a site therefor in the vicinity of the existing courthouse, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 490 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 490 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent

Richter

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 619 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 619 was ordered not printed.

#### Committee Substitute House Bill 68 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 68 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up C. S. H. B. 68 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Bates	Hazlewood
Blanchard	Herring
Calhoun	Kazen
Cole	Kennard
Colson	Krueger
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hall	Patman
Hardeman	Reagan
Harrington	Richter

Rogers  
Schwartz  
Spears

Strong  
Watson  
Word

Nays—1

Aikin

Absent

Moffett

Ratliff

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 68, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 641, Acts of the 47th Legislature, Regular Session, 1941, and Article 1817 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts of the 55th Legislature, Regular Session, 1957; so as to create the Twelfth Supreme Judicial District and the Thirteenth Supreme Judicial District and to locate the Courts of Civil Appeals thereof; providing for jurisdiction of cases; and declaring an emergency."

The bill was read the second time.

Senator Strong offered the following amendment to the bill:

Amend H. B. No. 68 by deleting from line 59 of the printed bill the words "and Shelby," and inserting the word "and" between the words "Rusk" and "Panola" in said line 59.

The amendment was adopted.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

(Senator Krueger in the Chair.)

The bill as amended was passed to third reading.

#### Committee Substitute House Bill 68 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

## Nays—2

Aikin	Hazlewood
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—25

Bates	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Watson
Kazen	Word
Krueger	

## Nays—6

Aikin	Kennard
Dies	Moore
Hazlewood	Strong

(President in the Chair.)

## House Bill 380 on Second Reading

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 380, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of the 43rd Legislature, First Called Session, 1933, as amended (compiled as Article 28a, Vernon's Texas Civil Statutes), to provide that weekly newspapers shall

be allowed to miss two (2) publication issues in twelve (12) months and still retain their status as newspapers eligible to publish legal notices of every kind; and declaring an emergency."

The bill was read second time and passed to third reading.

## House Bill 380 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 82 requiring bills to be read on three several days be suspended and that H. B. No. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Krueger
Bates	Moore
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

## Absent

Dies	Moffett
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## House Bill 755 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 755 was ordered not printed.

## House Bill No. 755 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up H. B. No. 755 for consideration at this time.

There was objection.

Senator Spears raised point of order that a house bill could not be considered on a Senate bill day.

The President overruled the point of order.

Senator Moore then moved to suspend the regular order of business and take up H. B. No. 755 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Schwartz
Hardeman	Strong
Harrington	Watson
Hazlewood	Word
Kazen	

## Nays—4

Herring	Rogers
Patman	Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 755, A bill to be entitled "An Act changing the name of the Agricultural and Mechanical College of Texas to Texas A&M University; changing the name of the Texas Agricultural and Mechanical College System to the Texas A&M University System; and declaring an emergency."

The bill was read second time and passed to third reading.

## Record of Votes

Senators Owen, Patman, Rogers, Blanchard, Herring, Spears, Calhoun, and Kennard asked to be recorded as voting "Nay" on the passage of H. B. No. 755 to third reading.

## House Bill 755 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 755 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Kennard
Bates	Krueger
Calhoun	Moffett
Cole	Moore
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Schwartz
Hardeman	Strong
Harrington	Watson
Hazlewood	Word
Kazen	

## Nays—6

Blanchard	Patman
Herring	Rogers
Owen	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Votes

Senators Herring, Parkhouse, Patman, Owen, Spears, Rogers and Blanchard asked to be recorded as voting "Nay" on final passage of H. B. No. 755.

## Welcome Resolutions

S. R. No. 498—By Senators Krueger and Herring: Extending welcome to students, teachers and sponsors of Sixth Grade Class of Casis School of Austin.

S. R. No. 500—By Senator Colson: Extending welcome to former Representative M. B. Etheredge of Huntsville.

S. R. No. 501—By Senator Herring: Extending welcome to students and teacher of The Little Red Schoolhouse of Austin.

S. R. No. 502—By Senator Krueger: Extending welcome to Clyde McCoy, the famous bandleader, to the Senate.

S. R. No. 503—By Senator Crump: Extending welcome to students and sponsor of Uvalde High School.

S. R. No. 504—By Senator Parkhouse: Extending welcome to students and teacher of Saint Pius X School of Dallas.



S. R. No. 505—By Senator Herring: Extending welcome to students and teacher of Wm. B. Travis High School of Austin.

#### Memorial Resolution

S. R. No. 497—By Senator Watson: Memorial resolution for George Cowden.

#### Recess

Senator Owen moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Senator Strong moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, the motion was lost.

Question recurring on the motion to recess until 10:30 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 12:08 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

#### SIXTY-SIXTH DAY

(Continued)

(Wednesday, May 8, 1963)

#### After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 48 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conference Committee:

Fairchild, Chm., Slider, Crews, Butler and Fondren.

H. J. R. No. 12, Proposing an

amendment to the Constitution of the State of Texas.

H. J. R. No. 30, Proposing an amendment to Article III of the Constitution of Texas, relating to apportionment of the State into Congressional Districts.

H. C. R. No. 50, Authorizing and directing the State Board of Control to accept for and on behalf of the State of Texas, the transfer from the General Services Administration of the United States Government of approximately one hundred forty-two (142) acres of land adjacent to the De Zavala Cemetery and burial plot of Lorenzo De Zavala to be retained by the State as a monument site and a protective area.

The House has concurred in Senate amendments to House Bill No. 68 by non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 152, To the Committee on Labor and Management Relations.

H. B. No. 394, To the Committee on Banking.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 17, Granting Socony Mobil Oil Company permission to sue the State.

S. C. R. No. 29, Dedicating to the City of Austin for street purposes certain land belonging to the State of Texas.

S. C. R. No. 62, In memory of Mrs. Maud Gage Sterling.

S. C. R. No. 64, Resolution in memory of James P. (Jake) Hamblen, Houston businessman.

#### House Bill 206 on Second Reading

The President laid before the Senate as unfinished business on its second reading and passage to third read-